

Remarks:

Reconsideration of the application is requested.

Claims 1 and 3 to 11 remain in the application. Claims 1 and 11 have been amended. Claim 2 has been canceled to facilitate prosecution of the instant application.

In item 1 on pages 2 of the above-identified Office action, claim 11 has been rejected as being indefinite under 35 U.S.C. § 112.

Claim 11 has been corrected to depend upon claim 10.

In item 2 on pages 2 to 4 of the above-identified Office action, claims 1, 2, 3, 8, and 9 have been rejected as being fully anticipated by Rudd (U.S. 5,460,306) or Roberts (U.S. 4,827,654) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a fly fishing rod holder for holding a fly fishing rod having a handle and a bracket

attaching a fly reel at the handle, the fly fishing rod holder including:

a first pipe section having an insertion opening, a connection area opposite the insertion opening, a longitudinal axis, and an inner diameter accommodating therein the fly fishing rod handle through the insertion opening and into the first pipe section along an insertion direction;

a second pipe section fixedly connected at the connection area of the first pipe section and projecting away from the first pipe section along the longitudinal axis of the first pipe section; and

the first pipe section having a slot beginning at the insertion opening and extending in the insertion direction along the first pipe section.

Both Roberts and Rudd require the two separate pipes or pipe sections to be separate so that the separate sections can be moved along and/or about one another. Thus, neither Roberts nor Rudd can be said to teach "fixedly" connecting the first and second pipe sections to one another as set forth in claim 1, as amended.

It is respectfully submitted that both Roberts and Rudd cannot be combined with any other reference to suggest the fixed connection of the invention as set forth in claim 1 because to do so would render each of the Roberts and Rudd devices unfit for accomplishing the actions and/or functions that they are designed to perform.

Clearly, Roberts and Rudd do not show a fly-fishing rod holder as recited in claim 1 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Insofar as claim 1 is believed to be allowable, and due to the fact that claims 3 through 11 ultimately depend upon claim 1, the Section 103 rejection of the dependent claims in item 3 on pages 4 to 7 of the above-identified Office action is now believed to be moot.

In view of the foregoing, reconsideration and allowance of claims 1 and 3 to 11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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April 12, 2004

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